

**United States  
Department of the Interior  
Bureau of Indian Affairs**

**Removal of Restrictions**

The process of removing restrictions from a Native allotment or townsite lot releases the Bureau of Indian Affairs (BIA) from its trust responsibility of providing services to Native landowners. Once restrictions are removed from a Native allotment or townsite lot, the land will become subject to local zoning ordinances and also local taxes. It is very essential that landowners receive counseling and understand the effects of removing restrictions from their Native allotment or townsite lot. In order to remove restrictions from a Native allotment or townsite lot, the landowner must have title to his/her land (a Certificate of Native Allotment, Restricted Trustee Deed, or Probate Order). A landowner wishing to remove restrictions from his/her Native allotment or townsite lot, should write to the Alaska Region Realty (ARR) and express his/her desire to remove restrictions. The realty staff at ARR will process all the necessary paperwork for any land under ARR's jurisdiction.

Since much of the fieldwork required for this transaction is accomplished in the summer months, early notice is appreciated when requesting removal of restrictions. During the winter months, the land is usually not accessible for field visits.

The following is an outline of the steps involved in the removal of restrictions process:

1. **Request:** The landowner writes a letter to ARR requesting to remove restrictions and stating his/her reasons for wanting to remove restrictions.
2. **Counseling:** The landowner is counseled regarding the removal of restrictions process and the effects of removing restrictions.
3. **Application:** After the letter of request has been submitted, the landowner will be required to complete an "Application for and Certificate of Competency to Remove Restrictions." This document, when approved, will have the effect of removing restrictions from the restricted Native allotment or townsite lot. It also serves as the Certificate of Competency, which basically means that, the landowner has been determined competent to handle his/her own affairs.
4. **Survey:** If the removal of restrictions is for a portion of a United States survey, a survey is necessary and required. The survey must be accomplished by a registered land surveyor. If a survey is necessary, it is the responsibility of the landowner to procure the services of the registered land surveyor.
5. **Appraisal:** An appraisal of the land is necessary before approval of the removal of restrictions is granted. OST (Office of Special Trustee) Appraisal staff will conduct the appraisal at no cost to the landowner. However, landowners may, at their own expense, have a private appraisal done. The private Appraisal Report will be subject to review and approval by the OST Appraisal staff and must be prepared in accordance with their guidelines. The private Appraiser should meet with the OST appraisal staff prior to conducting their appraisal.

6. **Archeological Clearance:** The allotment or townsite lot must be inventoried for potential cultural or historical remains. Like the appraisal, BIA Archeology staff will conduct the inventory at no cost to the landowner. The landowner, at his/her own expense, can acquire the services of a private Archeologist. The private Archeological report will be subject to review and approval by the BIA Archeology staff and must be prepared in accordance with their guidelines. The private Archeologist should meet with the BIA Archeology staff prior to conducting any fieldwork.
7. **Environmental Compliance:** This is required to determine the impact, if any, the removal of restrictions will have on the environment or wetlands. The Realty Specialist assigned to your case will assess the removal of restrictions and will determine the type of environmental document required. You must inform the Realty Specialist of any activity you have planned for the land. This information will be used to determine the type of environmental document required.
8. **Timber Clearance:** If the land is valuable for timber, a timber clearance and/or timber report may be necessary. The Realty Specialist assigned to the case, can determine the necessity based on his/her knowledge of the land in the area and from discussions with the applicant. If a timber clearance/report is necessary, Forestry staff will be responsible for conducting the fieldwork.
9. **Report of Investigation:** After all previous requirements have been met, the Realty Specialist assigned to the removal of restrictions transaction will prepare a report of his/her findings and recommendation to the BIA Alaska Regional Director. The Report of Investigation will then be forwarded to the BIA Alaska Regional Director for action (approval/disapproval).
10. **Conveyance from the United States Verifying Removal of Restrictions (Allotments):** The removal of restrictions is approved and considered final once the "Application for and Certificate of Competency to Remove Restrictions" and this conveyance document is signed by the BIA Alaska Regional Director. It verifies that a Certificate of Competency has been issued which has the effect of removing restrictions from the allotment. Both documents are then recorded in the BIA Alaska Title Services Center. The "Conveyance from the United States Verifying Removal of Restrictions" document is the only document forwarded to the appropriate State Recording Office for recording. After recording, the original document is sent to the landowner for their records and safekeeping.

11. **Deed to Unrestricted Land (Townsite Lots):** After approval by the BIA Alaska Regional Director, the "Application for and Certificate of Competency to Remove Restrictions," is forwarded to the Bureau of Land Management, Townsite Trustee, for issuance of a "Deed to Unrestricted Land." The "Deed to Unrestricted Land" is issued directly to the landowner, with a copy being provided to the BIA.

**At this point, the BIA, Alaska Region, Real Estate Services will no longer provide services to the landowner that has removed restrictions from their restricted Native allotment or townsite lot. BIA will no longer protect the land from encroachment (trespass). The land can be taken from the owner to satisfy any liens or judgments attached to the land and/or owner. The land will be subject to all local and Federal taxation. Any income derived from the sale or rental of the land will be subject to Federal and State taxation. The land can be counted as an asset when calculating any public assistance benefits.**

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